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**MAILED**

**SEP 9 - 2005**

**DIRECTOR'S OFFICE  
TECHNOLOGY CENTER 2600**

**DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT**

In re Application of  
Mitsunobu Ono, et al.  
Application No. 09/483,883  
Filed: January 18, 2000  
For: **ENDOSCOPE APPARATUS AND  
FUNCTION ADJUSTING CIRCUIT FOR  
ENDOSCOPE**

This is a decision on the petition filed August 25, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.


The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed February 1, 2005. A Notice of Abandonment was mailed on August 9, 2005.

Petitioner asserts that a proper response was timely filed on April 1, 2005. In support of the petition, Petitioner has submitted, a copy of Applicant's reply including a certificate of mailing dated April 1, 2005 and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office (USPTO) on April 4, 2005.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for appropriate processing and entry of the amendment. From there, the file will be forwarded to the examiner for further examination in due course.

  
Dwayne Bost  
Special Program Examiner  
Technology Center 2600  
Communications